

School Trespass Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill amends provisions regarding criminal trespass upon school property.

Highlighted Provisions:

This bill:

- states that public comment in a local school board meeting that complies with certain restrictions may not be the basis for criminal trespass;
- defines and amends terms regarding criminal trespass upon school property, narrowing the scope of the property in question; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-201.3, as enacted by Laws of Utah 2023, Chapter 100

53G-8-603, as renumbered and amended by Laws of Utah 2018, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **52-4-201.3** is amended to read:

52-4-201.3 . Local school boards -- Public comment.

- (1) As used in this section, "local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- (2)(a) A local school board holding a meeting that is open to the public under Section 52-4-201 shall allow a reasonable opportunity for the public to provide verbal

comments that are germane to the authority of the local school board.

(b) Subsection (2)(a) does not apply to a meeting that is:

(i) a work session; or

(ii) an emergency meeting as described in Subsection 52-4-202(5).

(3) No later than July 1, 2023, a local school board shall adopt a written policy that provides a reasonable opportunity for the public to provide both verbal and written comments in a meeting of the local school board that:

(a) is open to the public; and

(b) is not a meeting described in Subsection (2)(b).

(4) The written policy described in Subsection (3) may limit public verbal and written comments to topics that are germane to the authority of the local school board.

(5) Public comment that complies with valid time, place, manner, and germaneness restrictions in accordance with Subsections (3) and (4) does not satisfy the element of criminal trespass described in Sections 63G-8-603 and 76-6-206 regarding an intent to cause annoyance.

Section 2. Section **53G-8-603** is amended to read:

53G-8-603 . Criminal trespass upon school property -- Penalty.

(1) As used in this section:

(a) "Enter" means intrusion of the entire body upon school property.

(b) "Remain unlawfully" means that a person remains on property when the person is not licensed or privileged to remain on the property.

(c)(i) "School property" means a school.

(ii) "School property" does not mean LEA offices or any other property an LEA owns or controls that is not a school.

[(1)] (2) A person is guilty of criminal trespass upon school property if the person does the following:

(a) enters or remains unlawfully upon school property, and:

(i) intends to cause annoyance or injury to a person or damage to property on the school property;

(ii) intends to commit a crime; or

(iii) is reckless as to whether the person's presence will cause fear for the safety of another; or

(b) enters or remains without authorization upon school property if notice against entry or remaining has been given by:

- (i) personal communication to the person by a school official or an individual with apparent authority to act for a school official;
- (ii) the posting of signs reasonably likely to come to the attention of trespassers;
- (iii) fencing or other enclosure obviously designed to exclude trespassers; or
- (iv) a current order of suspension or expulsion.

[~~(2) As used in this section:~~]

~~[(a) "Enter" means intrusion of the entire body.]~~

~~[(b) "School official" means a public or private school administrator or person in charge of a school program or activity.]~~

~~[(c) "School property" means real property owned or occupied by a public or private school, including real property temporarily occupied for a school activity or program.]~~

(3) Violation of this section is a class B misdemeanor.

Section 3. Effective Date.

This bill takes effect on May 7, 2025.